

**BLUME, GOLDFADEN, BERKOWITZ,
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY - NEWARK**

PAUL GURDAK,	:	CIVIL ACTION NO.:
	:	
Plaintiff,	:	
	:	
vs.	:	Civil Action
	:	
UNITED STATES OF AMERICA,	:	MEDICAL MALPRACTICE COMPLAINT,
	:	DESIGNATION OF TRIAL COUNSEL,
Defendants.	:	AND CERTIFICATION

Plaintiff, PAUL GURDAK residing at 72 Halstead Avenue,
Wallington, New Jersey, by way of complaint says:

JURISDICTION AND VENUE

1. The plaintiff, PAUL GURDAK is a citizen of the State of New Jersey.

2. Upon information and belief, JAKEMIA COLEMAN, D.O. at all relevant times was an employee of the defendant UNITED STATES OF AMERICA at the EAST ORANGE VETERANS ADMINISTRATION HOSPITAL.

3. This Court has exclusive subject matter jurisdiction over civil actions on claims against the United States of America for, *inter alia*, money damages for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his/her office or employment, under circumstances where the United States, if a private person, would be liable to

the claimant in accordance with the law of the place where the act or omissions occurred pursuant to 28 U.S.C. § 1346(b)(1).

____ 4. Venue is proper in the United States District Court of New Jersey pursuant to 28 U.S.C. § 1391.

FIRST COUNT

1. Prior to and including May 25, 2008, plaintiff, PAUL GURDAK was a citizen of the State of New Jersey, and a patient at the EAST ORANGE VETERANS HOSPITAL, VETERANS ADMINISTRATION HOSPITAL.

2. Upon information and belief, DR. JAKEMIA COLEMAN, D.O., was at all relevant times an employee of the defendant, UNITED STATES OF AMERICA at the EAST ORANGE VETERANS ADMINISTRATION HOSPITAL. In that regard, DR. JAKEMIA COLEMAN, D.O. was negligent and careless in the evaluation, diagnosis and/or treatment of plaintiff's condition and in the medical treatment that was rendered to plaintiff, and did deviate from accepted standards in rendering said medical care, as a result of which plaintiff, PAUL GURDAK, sustained serious, painful, permanent and disabling injuries, will in the future experience great pain, suffering, and endure severe medical, physical and emotional disabilities.

WHEREFORE, plaintiff demands judgment against the defendant, together with interest and costs of suit.

SECOND COUNT

1. Plaintiff repeats the allegations contained in the prior count and makes the same a part hereof by reference and incorporation.

2. At the time plaintiff was a patient at the EAST ORANGE VETERANS ADMINISTRATION HOSPITAL, the defendant UNITED STATES OF AMERICA, through the conduct of its agents, servants and/or employees, was negligent and careless in the evaluation of plaintiff and of plaintiff's diagnostic testing, in the diagnosis of plaintiff's condition, in the treatment rendered and/or in the recommendations for further treatment and/or evaluation, and the failure to establish policies, procedures and protocols consistent with standards of care for the proper evaluation, treatment and care of patients such as plaintiff, PAUL GURDAK. The defendant aforementioned failed to comply with, or supervise physicians so as to comply with, the policies, procedures and protocols necessary under the standards of care relating to the evaluation, care and treatment of patients such as plaintiff, PAUL GURDAK, and did otherwise deviate from accepted medical standards, as a result of which plaintiff, PAUL GURDAK sustained the injuries and damages referred to above.

WHEREFORE, plaintiff demands judgment against the defendant, together with interest and costs of suit.

THIRD COUNT

1. Plaintiff repeats each and every allegation of the prior Counts as though set forth herein at length.

2. The defendant failed to disclose and/or advise the plaintiff of all the risks, benefits, treatment, options, alternatives and necessary information that a reasonably prudent person would want to have under the circumstances then existing

to consider, weigh and choose knowledgeably the options available, and thus failed to give the plaintiff the information required to make informed choices concerning medical care.

3. As a result of those failures, the defendant UNITED STATES OF AMERICA, through the conduct of its agents, servants and/or employees was negligent and careless in the treatment that was rendered to plaintiff, PAUL GURDAK and did deviate from accepted standards in rendering said care, as a result of which plaintiff PAUL GURDAK sustained serious, painful and permanent injuries, was caused to endure great pain and suffering, will in the future lose large sums of money for wages, and will in the future be obliged to expend large sums of money for medical care and attention.

WHEREFORE, plaintiff demands judgment against the defendant, together with interest and costs of suit.

CERTIFICATION

I hereby certify that this matter is not the subject of any other action pending in any Court or a pending Arbitration proceeding, nor is any other action or Arbitration proceeding contemplated. All parties known to plaintiff at this time who should have been joined in this action, have been joined.

BLUME, GOLDFADEN, BERKOWITZ,
DONNELLY, FRIED & FORTE, P.C.

By: /S/ Mitchell J. Makowicz, Jr.
MITCHELL J. MAKOWICZ, JR.

DATED: December 16, 2010